

AMENDMENTS TO THE DRAWINGS

As suggested, the attached sheets of drawings include changes to FIGs. 10 and 12. More specifically, reference numeral 1131 has been deleted from FIG. 10. The T shaped ribs of FIG. 12 are labeled as reference numeral 1228, and the six channels 1230 of FIG. 12 are labeled as reference numeral 1230. Support for the reference numbers may be found generally at, for example, Present Specification, page 7, line 2. No new matter has been added.

Attachment: Replacement sheet

REMARKS

Claims 1-19 are currently pending in this application. Claims 1-5 and 7-19 have been amended. Claims 20-21 have been added. No new matter has been added. Thus, after entry of this amendment, claims 1-20 remain pending in the present application.

In The Specification

The Applicant previously claimed priority back to Application No. 60/447,818, which was filed on February 19, 2003 in the declaration. *See* Exhibit 1. The declaration was submitted within the time period set forth in 37 C.F.R. 1.78(a). The Patent Office acknowledged priority to Application No. 60/447,818 in its filing receipt. *See* Exhibit 2. The Applicant inadvertently did not include the claimed priority in the first sentence of the specification. The Applicant has added a Cross-Reference to Related Application section that includes the claimed priority to Application No. 60/447,818 as the first sentence of the specification. Pursuant to MPEP 201.11, since the declaration was timely filed and the information concerning the benefit claim was recognized by the Patent Office as shown by its inclusion on the first filing receipt, a petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required. Therefore, the Applicant respectfully requests that the Cross-Reference to Related Application section to be added to the present application.

Drawings

As suggested, FIGs. 10 and 12 have been amended. *See* attached Replacement Sheets. More specifically, reference numeral 1131 has been deleted from FIG. 10. The T shaped ribs of FIG. 12 have been labeled as reference numeral 1228, and the six channels 1230 of FIG. 12 are labeled as reference numeral 1230. Support for the reference numbers may be found generally at, for example, Present Specification, page 7, line 2. No new matter has been added.

In view of these amendments to the drawings, the Applicant believes that the objections to the drawings have been overcome.

Information Disclosure Statement

Submitted herewith is a supplemental information disclosure statement. The Applicants respectfully request that this information disclosure statement be entered and the references listed on the attached Form PTO-1449 be considered by the Examiner and made of record.

Claim Rejections – 35 U.S.C. § 102

Claims 1-2 and 4-5 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,491,709 to Sharma et al. (“Sharma”).

Independent Claim 1

Amended claim 1 recites “a pattern of a plurality of ribs with channels defined between adjacent ribs, the plurality of ribs extending from the outer portion of the contact face toward the inner portion of the contact face.”

These elements are not disclosed by Sharma. First, the surface of the alternate site cap tip of Sharma that surrounds the opening consists of a single, flat portion. *See* Sharma, FIGs. 1, 3. Thus, Sharma does not disclose “the contact face having an inner portion and an outer portion,” as in claim 1.

The Applicant notes that column 3, lines 24-26 of Sharma does not disclose “a pattern of a plurality of ribs with channels defined between adjacent ribs,” as asserted by the Office Action. Office Action, p. 4. Rather, this portion of Sharma states that the alternate site cap tip of Sharma includes castle-like/trapezoid features **extending from the distal end** of the alternate site tip. Sharma, col. 3, ll. 23-24. Not only are the castle-like/trapezoid features far different from the plurality of ribs of claim 1, they also do not have channels adjacent thereto. Furthermore, the castle-like/trapezoid features do not extend “from the outer portion of the contact face toward the inner portion of the contact face,” as do the plurality of ribs in claim 1.

Thus, claim 1 and claims 2-5, which depend on claim 1, are believed to be allowable over Sharma for at least these reasons.

Claim Rejections – 35 U.S.C. § 103

Claims 3 and 6-10 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,706,049 to Moerman (“Moerman”) in view of Sharma. Claims 11-15, 17, and 19 were rejected under Section 103 as being obvious over Sharma and U.S. Patent No. 6,332,871 to Douglas et al. Claim 16 was rejected under Section 103 as being obvious over Sharma in view of Douglas in further view of U.S. Patent No. 6,283,982 to Levaughn et al. Claim 18 was rejected under Section 103 as being obvious over Sharma and Douglas in view of Moerman.

Claim 3

The Applicant believes that claim 3 is allowable for at least the reasons set forth above with respect to claim 1, on which claim 3 depends. The applied reference of Moerman does not address the deficiencies in Sharma.

Independent Claim 6

Claim 6 is directed to an endcap for a lancing device that includes “a body, said body including a face, an aperture in said face for passage of a lancet, said face being concave, and a rib pattern on said face.”

The Applicant disagrees with the Office Action’s statement that “[a] ‘rib pattern’ is disclosed at column 3, lines 23-26, FIG 3, #101, #102, in which multiple crenellations extend from the distal end of the cap creating a distinctive design.” Office Action, p. 6. As discussed above with respect to claim 1, the “multiple crenellations” or castle-like/trapezoid features of Sharma are far different from the “rib pattern” of the present invention.

Likewise, the cap of Moerman includes “a **radially inwardly** extending pressure-gradient.” Moerman, col. 2, ll. 31-32. The pressure-gradient “urges fluid to flow toward the opening.” *Id.*, col. 2, ll. 31-32. Thus, the cap of Moerman applies more pressure on the skin at an area having a greater distance from a puncture site than an area adjacent to the puncture site. The cap of Moerman only includes a depression (forming the pressure-gradient) but does not include any projections, protrusions, ribs, or the like. Thus, the cap of Moerman is also substantially different from the “rib pattern” of claim 6.

Thus, for these reasons as well as for the reasons set forth above with respect to claim 1, claim 6 and claims 7-10, which depend on claim 6, are believed to be allowable over Sharma, Moerman, or the combination thereof.

Independent Claim 11


Claim 11 is directed to a method of drawing a blood sample for testing. The method includes “providing a lancing device having a lancet and an endcap, said endcap including a skin contacting face having an inner portion and an outer portion, the contacting face having a pattern of pressure points on said face, said pressure points comprising a plurality of ribs extending from the outer portion of the contacting face toward the inner portion of the contacting face”.

The Applicant respectfully submits that claim 11 and claims 12-21, which depend on claim 11, are allowable for at least the reasons set forth above with respect to claim 1.

CONCLUSION

The Applicant submits that the claims are in a condition for allowance and action toward that end is earnestly solicited. It is believed that no fees are due; however, should any fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from the Nixon Peabody Deposit Account No. 50-4181 (247082-000077USPT).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John C. Gatz", is written over a horizontal line.

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Date: May 21, 2008